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7 California, County of Santa Cruz and the Honorable
Irwin Joseph, Commissioner of the Superior Court

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 **HUGH HOWARD,**

13 Plaintiff,

14 v.

15 **THE SUPERIOR COURT OF CALIFORNIA,
SANTA CRUZ COUNTY, DEPARTMENT 4,**

16 Defendants.
17

C-07-3858 MHP

**[Proposed] ORDER GRANTING
LEAVE OF COURT TO FILE
MOTION TO DISMISS AND
MODIFYING CASE
MANAGEMENT ORDER**

18 The court has considered the Administrative Motion for Leave of Court to File Motion to
19 Dismiss and to Clarify Calendaring of Case Management Conference filed by defendants the
20 Superior Court of California, County of Santa Cruz and the Honorable Irwin Joseph, Commissioner
21 of the Superior Court [Civil L.R. 7-11] filed October 25, 2007. The court has also read and
22 considered plaintiff's "Request for An Extension," dated October 2, 2007 that was an attachment
23 to defendant's Administrative Motion. The court deems the plaintiff's "Request for An Extension"
24 to be a motion for administrative relief.

25 For good cause shown, the court GRANTS defendants, the Superior Court of California,
26 County of Santa Cruz and the Honorable Irwin Joseph, Commissioner of the Superior Court, leave
27 to file their motion to dismiss. Their previously filed Motion to Dismiss Complaint [Rule 12(b),
28 F.R.C.P.] that was filed on October 11, 2007 shall be deemed to be filed pursuant to leave of court.

1 Further, for good cause shown, the court GRANTS plaintiff's "Request for An Extension"
2 dated October 2, 2007. The court vacates the November 19, 2007 hearing date.

3 The court resets the hearing on Motion to Dismiss Complaint [Rule 12(b), F.R.C.P.] to 2:00
4 p.m. on Monday, _____, _____, 2008 in Courtroom 15, 18th Floor, 450 Golden Gate Avenue, San
5 Francisco, California 94102.

6 The plaintiff's opposition to the motion to dismiss, if any, is to be filed not later than 21 days
7 before that date. Defendants' reply, if any, is to be filed not later than 14 days before that date.

8 Plaintiff is reminded that all papers presented to the court must be filed with the clerk of the
9 court in the manner prescribed in the rules.

10 Dated: October __, 2007

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13 MARILYN HALL PATEL
United States District Judge
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **HOWARD, Hugh v. Superior Court**

No.: **C 07-3858-GMC**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 29, 2007, I served the attached [Proposed] ORDER GRANTING LEAVE OF COURT TO FILE MOTION TO DISMISS AND MODIFYING CASE MANAGEMENT ORDER by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Hugh Howard
P.O. Box 2216
Willits, California 95490

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 29, 2007, at San Francisco, California.

Lorraine Smith

Declarant

Signature